

**RULES AND REGULATIONS
REGARDING ELIGIBILITY FOR PUPIL TRANSPORTATION CERTIFICATE**

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF REVENUE

DIVISION OF MOTOR VEHICLES

Adopted 2007

Rule 1. Purpose, Scope and Authority

1.1 Pursuant to Section 31-22-10 of the Rhode Island General Laws, the Administrator of the Division of Motor Vehicles is authorized to adopt “any rules and regulations that it may deem necessary for the safety and protection of school children concerning the type, construction, and equipment of motor vehicles primarily used for the transportation of children to and from schools ... and the operation of them.”

1.2 On January 15, 1987 Rules and Regulations for School Bus Driver Certification were adopted and filed with the Secretary of State. These rules establish criteria for school bus driver certificate applicants to ensure that the applicant’s personal background and driving history demonstrate their ability to safely operate a school bus and interact with school children. Because the Rules and Regulations for School Bus Driver Certification do not apply to applicants seeking permission to operate pupil transportation vehicles, Emergency Rules and Regulations Regarding Eligibility for Pupil Transportation Certificate are necessary to ensure that the applicant’s personal background and driving history demonstrate their ability to safely operate pupil transportation vehicles and interact with school children.

1.3 These Rules and Regulations establish eligibility criteria to obtain a pupil transportation certificate.

1.4 The Rules and Regulations herein contained are promulgated pursuant to Section 42-35-2 of the Rhode Island General Laws and Section 31-22-10 of the Rhode Island General Laws, as amended.

Rule 2. Definitions

The following words used in these Rules and Regulations shall have the following meaning, except when the context otherwise requires;

2.1 The term "conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; or the payment of a fine or court cost or violation of condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated. *See*, Section 31-10.3-3 (11) of the Rhode Island General Laws.

2.2 The “Division of Motor Vehicles” (DMV) refers to the division that exists within the State of Rhode Island Department of Revenue, pursuant to the requirements of Section 42-142-1 of the Rhode Island General Laws, or any successor Department.

2.3 The term “moving violation” means any statutory violation committed by the driver of a vehicle, while the vehicle is in motion.

2.4 The term “Pupil Transportation Certificate” refers to a specific license endorsement which authorizes the holder to operate a pupil transportation vehicle, as defined in Chapters 185 and 207 of the 2007 Public Laws.

Rule 3. Application for Pupil Transportation Certificate

3.1 Applicant must obtain an Application for Chauffeur’s License and Pupil Transportation Certificate along with the Pupil Transportation Guide. The guide should be utilized to study for the written test. Both documents can be downloaded from the DMV website at www.dmv.ri.gov or by calling 462-5772.

3.2 Applicant must complete the Application for Chauffeur’s License and Pupil Transportation Certificate. Applicant must also complete the Medical Form which is available at DMV or on the DMV website.

3.3 Applicant must bring completed application to the police department in the city or town in which he/she lives in order to have a criminal background check conducted.

3.4 If the applicant is not a Rhode Island resident or has moved into the state within the past five (5) years, applicant must obtain a certified criminal record check as well as a certified driving record from current or former home state(s). These documents must be no more than 30 days old and must be submitted with original Application for Chauffeur’s License and Pupil Transportation Certificate. **Only original documents will be accepted.**

3.5 After obtaining the criminal record check and driving abstract, applicant must bring these documents along with Application for Chauffeur’s License and Pupil Transportation Certificate to the Division of Motor Vehicles located at 100 Main St, Pawtucket Rhode Island. A letter of sponsorship, verifying applicant will be employed as a driver of a pupil transportation vehicle, must accompany this application (from a school department school bus company, child care agency, YMCA etc).

3.6 Upon arrival at DMV, applicant must obtain a number at the License Greeter Booth. Applicant must then take the approved application, letter of sponsorship (and other certified documentation if required) to the Motor Carrier and School Bus Safety Office. The application and all documents will be reviewed by the Motor Carrier and School Bus Safety Office. All applicants are subject to a criminal record check and a driving record check. If approved, applicant will be allowed to take the Pupil Transportation written test. There is a \$16.50 fee to take the written test. If applicant passes the written test, applicant may then go back to a license clerk and pay an additional \$26.50 application processing fee. The license clerk will prepare the temporary chauffeur’s license. The

actual chauffeur's license will be mailed in approximately two weeks. Applicant must then bring the temporary chauffeur's license to the Motor Carrier and School Bus Safety Office at which time applicant will receive a Pupil Transportation Certificate.

Rule 4. Minimum Qualifications

4.1 An applicant for a pupil transportation certificate must be at least 21 years of age and have had a driver's license for three (3) continuous years.

4.2 A chauffeur's license and a pupil transportation certificate are required to operate a pupil transportation vehicle.

4.3 Operators who hold an active commercial driver's license issued by the Rhode Island DMV may operate a pupil transportation vehicle without a chauffeur's license but must have an active pupil transportation certificate.

4.4 Current holders of a valid school bus certificate are not required to obtain a pupil transportation certificate to operate pupil transportation vehicles.

4.5 On an annual basis, holders of a pupil transportation certificate must submit a completed Medical Form.

4.6 Holders of a pupil transportation certificate who are seventy years or older must submit a completed Medical Form every six months.

4.7 DMV shall have the authority to conduct a criminal background check of the applicant and to review applicant's driving record.

Rule 5. Mandatory Disqualifiers

The Division of Motor Vehicles shall not issue a pupil transportation certificate to any person who has one or more convictions of the following:

5.1 Two (2) moving violations within a twelve (12) month period during the past twenty-four (24) months;

5.2 Three (3) moving violations within a thirty-six (36) month period;

5.3 Within the past five (5) years of a motor vehicle offense which is a criminal offense in the State of Rhode Island or which, if committed outside the State of Rhode Island would be considered a criminal offense if committed in the State of Rhode Island;

5.4 Within the past five (5) years of an alcohol related driving offense (including civil and criminal violations for refusal to submit to a breath or blood/alcohol test);

5.5 Felony offense or crime involving “moral turpitude.”

Rule 6. Discretionary Disqualifiers

The Division of Motor Vehicles shall review all applications for Pupil Transportation Certificates. If any of the following apply, a certificate shall not be issued until after a hearing is conducted by DMV at which it is determined that operation of a pupil transportation vehicle by the applicant would not imperil the public health, safety and welfare:

6.1 Involvement in three (3) motor vehicle accidents within a two (2) year period;

6.2 Conviction of a misdemeanor within a twelve (12) month period or more than one (1) misdemeanor within the last five (5) years;

6.3 A license suspension within the past three (3) years;

6.4 Where the application contains inaccurate or incomplete information;

6.5 Conviction of three (3) non-moving violations within a twelve (12) month period during the last three (3) years (non-moving violations shall not include parking tickets);

6.6 Where other information obtained during the course of the application process brings into question the applicant’s fitness or competency to safely transport school children.

Rule 7. Hearing

7.1 Request. Upon receiving a hearing request from an individual whose application has been denied, the Division of Motor Vehicles shall afford a hearing as early as practical, but no later than twenty (20) days after receiving the request, as set forth in Section 31-11-7(b) of the Rhode Island General Laws.

7.2 Conduct of hearing. An individual whose application has been denied will be afforded the following rights at the hearing: (1) a hearing before an impartial decision-maker; (2) the opportunity to compel the production of documents and witnesses, including members of the Division of Motor Vehicles 's Medical Advisory Board; (3) the opportunity to confront and cross-examine witnesses; (4) access to all of the evidence upon which the Division of Motor Vehicles relied in making its determination to suspend; and (5) the right to present any and all relevant evidence including the right to obtain and present the results of a recently administered road test, as set forth in Section 31-11-7(d) of the Rhode Island General Laws.

7.3 Decision. After the hearing conducted pursuant to Rule 7.2, the Division of Motor Vehicles shall issue a written decision within thirty days after the hearing based solely on the evidence adduced at the hearing and containing the legal and factual basis for the determination. The Division of Motor Vehicles may rescind its order of denial; determine that denial is not warranted; or may deny the license application, as set forth in Section 31-11-7(f) of the Rhode Island General Laws.

Rule 8. Appeals

8.1 Any person aggrieved by any order of the Administrator of the Division of Motor Vehicles regarding license denial may appeal the order to the sixth division of the district court by filing, within ten (10) days from the date of the notice to such person of the issuance of the order appealed from, a petition in the sixth division district court stating the grounds upon which the appeal is taken, as set forth in Section 31-11-15 of the Rhode Island General Laws.

8.2 A party aggrieved by a final order of the court may seek further appellate review pursuant to the procedures set forth in Section 42-35-15 of the Rhode Island General Laws.

Rule 9. Renewals

9.1 Pupil Transportation certificates are valid for one year and shall expire on July 31st of each year.

Rule 10. Miscellaneous

10.1 Pupil Transportation Certificate must be conspicuously displayed when operating a Pupil Transportation Vehicle.

10.2 While operating a Pupil Transportation Vehicle, the holder of a Pupil Transportation Certificate shall refrain from the following activities:

10.2.1 Smoking or having in their possession a lighted cigar, cigarette, pipe, or controlled substance;

10.2.2 Consuming any beverages;

10.2.3 Using a cellular phone or other electronic communication device;

10.2.4 Operating the vehicle with an open door;

10.2.5 Leaving the vehicle with passengers unattended.

10.3 Employers must verify that each Pupil Transportation Certificate holder in their employ is properly licensed by obtaining documentation from DMV.

Rule 11. Liberal Construction

11.1 The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Division of Motor Vehicles to effectuate the purposes of state law, goals, and policies.

Rule 12. Severability

12.1 If any provision of these Rules and Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the Rules and Regulations which can be given effect, and to this end the provisions of these Rules and Regulations are declared to be severable.



State of Rhode Island and Providence Plantations

DEPARTMENT OF REVENUE

STATEMENT OF NEED FOR EMERGENCY ACTION

In accordance with the provisions of subsection (b) of §42-35-3 of the Rhode Island General Laws, as amended, I have approved a regulation entitled, **EMERGENCY RULES AND REGULATIONS REGARDING ELIGIBILITY FOR PUPIL TRANSPORTATION CERTIFICATE**. This regulation has been promulgated pursuant to the authority contained in the Rhode Island General Laws §31-22-10, as amended.

This regulation is to become effective immediately upon filing with the Secretary of State.

An immediate effective date is necessary in view of my finding that any substantial delay might imperil the public health, safety, and welfare. This finding is based upon the following:

Pursuant to R.I. Gen. Laws §31-22-10, “The division of motor vehicles is authorized to adopt any rules and regulations that it may deem necessary for the safety and protection of school children concerning the type, construction, and equipment of motor vehicles primarily used for the transportation of children to and from schools, to and from care facilities licensed by the department of children, youth and families, and to and from school sponsored activities including athletics and extra-curricular activities, **and the operation of them** (emphasis added).” On January 15, 1987 Rules and Regulations for School Bus Driver Certification were adopted and filed with the Secretary of State. These rules establish criteria for school bus driver certificate applicants to ensure that the applicant’s personal background and driving history demonstrate their ability to safely operate a school bus and interact with school children.

Chapters 185 and 207 of the 2007 Public Laws, authorizing the use of pupil transportation vehicles, were enacted on July 2, 2007. Although these 2007 enactments require that the operator of a pupil transportation vehicle possess a valid chauffeur’s license and pass a written test administered by the Division of Motor Vehicles (DMV), there are no restrictions regarding the criminal record or driving history of individuals who seek to operate a pupil transportation vehicle.

Because there are different licensing requirements for school bus drivers compared to pupil transportation vehicle drivers, the above mentioned Rules and Regulations for School Bus Driver Certification may not be applied to potential

pupil transportation vehicle drivers. Because Chapters 185 and 207 of the 2007 Public Laws do not address criminal background or driving history requirements for drivers of pupil transportation vehicles, there is a need to immediately address this issue. In order to ensure the safety of the children transported in pupil transportation vehicles, it is a necessity that DMV must review the operator's past driving history and criminal background. Without the necessary criteria, any holder of a Rhode Island chauffeurs license would be authorized to operate these vehicles, regardless of criminal record or history of unsafe driving. Currently, school bus drivers are subject to this type of scrutiny pursuant to valid rules and regulations concerning the licensing of school bus drivers; operators of pupil transportation vehicles should be held to the same standards regarding driving history and criminal background.

Chapters 185 and 207 of the 2007 Public Laws authorizing the use of pupil transportation vehicles for school transportation, became effective on July 2, 2007. It is expected that school departments will be seeking to utilize pupil transportation vehicles during the school year beginning this September. As a result, DMV expects to be presented soon with inquiries and applications seeking permission to operate these vehicles. These time constraints impede the ability to promulgate these regulations in the normal manner and necessitate adopting these regulations on an emergency basis.

These Emergency Rules and Regulations Regarding Eligibility for Pupil Transportation Certificate are therefore necessary to ensure that the applicant's personal background and driving history demonstrate the ability to safely operate pupil transportation vehicles and interact with school children as of the beginning of the school year in September.

Pursuant to subsection (b) of § 42-35-3, the emergency regulations shall take effect upon filing with the Rhode Island Secretary of State and shall remain in effect as provided in said subsection. While the emergency regulations are in effect, regulations will be promulgated pursuant to subsection (a) of § 42-35-3. These emergency rules and regulations are available for inspection at the Rhode Island Division of Motor Vehicles, 100 Main Street, Pawtucket Rhode Island and will be available on the Rhode Island Secretary of State's website: www.rules.state.ri.us/rules/

These emergency regulations have been adopted by me on this day of August, 2007.

Beverly E. Najarian
Director, Department of Revenue